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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,221	09/03/2003	Susumu Katagiri	R2184.0088/P088-A	2742
24998	7590	07/13/2005	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP			MAGEE, CHRISTOPHER R	
2101 L Street, NW			ART UNIT	PAPER NUMBER
Washington, DC 20037			2653	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/653,221	KATAGIRI, SUSUMU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher R. Magee	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 December 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 20-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 20-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/3/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 20 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (hereinafter Saito) (US 6,137,765) in view of Lee (US 5,768,248).

• Regarding claims 20-22 and 24, Saito shows an adjustment structure for adjusting a chassis 2 having provided thereon a seek mechanism which moves an optical pickup in a radial direction of an optical disk on which the optical pickup irradiates a light beam to record and/or reproduce information on and/or from the optical disk, said seek mechanism having guide rails that guide the optical pickup, said adjustment structure, comprising:

a base body 3; and

at least two support mechanisms (not numbered but shown in Examiner's attached Drawing) respectively supporting the chassis in a manner free to tilt with respect to the base body,

each of said support mechanisms having a pivot-receiving member 14b, 28, and a pin 13b, 22, respectively, which engages the pivot-receiving member, said pin being separate from said guide rails,

said chassis 2 being supported in a state free to tilt about an imaginary line connecting the first and second support mechanisms (see Examiner's attached Drawing);

one of said support mechanisms supporting the chassis in a manner such that the chassis is movable in directions towards and away from the base body, such that the movement is in a direction perpendicular to the guide rails (Figure 2).

Saito does not teach the pin having a rounded tip.

Lee shows a pin end, 23b, which is part of support rail 23, with a rounded tip (Figure 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the pin of Saito with a rounded tip as taught by Lee.

The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to provide the pin of Saito with a rounded tip as taught by Lee in order to allow ease of movement while adjusting the tilt of the chassis so that the optical pickup can efficiently record and/or reproduce information on and/or from the optical disk. Additionally, providing a rounded tip to the pin will enhance the manufacturing speed of the optical disk apparatus.

- Regarding claims 23 and 25, Saito shows an optical disk apparatus comprising:
  - a base body 3;
  - a spindle motor 10, provided on the base body 3, to rotate an optical disk (not shown);
  - an optical pickup 5, to irradiate a light beam on the optical disk to record and/or reproduce information on and/or from the optical disk;
  - a chassis 2;

a seek mechanism 25, provided on the chassis, to move the optical pickup in a radial direction of the optical disk, said seek mechanism having guide rails that guide the optical pickup; and

at least two support mechanisms (not numbered but shown in Examiner's attached Drawing) respectively supporting the chassis in a manner free to tilt with respect to the base body,

each of said support mechanisms having a 14a, 14b, pivot-receiving member, and a pin 13a, 13b, respectively, which engages the pivot-receiving member, said pin being separate from said guide rails,

said chassis 2 being supported in a state free to tilt about an imaginary line connecting the first and second support mechanisms (see Examiner's attached Drawing);

one of said support mechanisms supporting the chassis in a manner such that the chassis is movable in directions towards and away from the base body, such that the movement is in a direction perpendicular to the guide rails (Figure 2).

Saito does not teach the pin having a rounded tip.

Lee shows a pin end, 23b, which is part of support rail 23, with a rounded tip (Figure 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the pin of Saito with a rounded tip as taught by Lee.

The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to provide the pin of Saito with a rounded tip as taught by Lee in order to allow ease of movement while adjusting the tilt of the chassis so that the optical pickup can efficiently record and/or reproduce information on and/or from the optical disk.

Additionally, providing a rounded tip to the pin will enhance the manufacturing speed of the optical disk apparatus.

***Response to Arguments***

2. Applicant's arguments filed 12/22/2004 have been fully considered but they are not persuasive.

The Applicant contends on page 7 :

*"Applicant respectfully submits that it would not have been obvious to use the guard rail ends 23a, 23b of Lee in place of or as a modification of the Saito shafts 13a, 13b. One of ordinary skill in the art would not have understood the applicability of one to the other without the benefit of Applicant's disclosure."*

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Therefore, the rejection of claims 20-25 is maintained.

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (571) 272-7592. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*CR Magee*  
Christopher R. Magee  
Patent Examiner  
Art Unit 2653

July 10, 2005  
crm

*George Letscher*  
GEORGE J. LETSCHER  
PRIMARY EXAMINER